

MITCHELL D. GLINER, ESQ.  
Nevada Bar #003419  
3017 West Charleston Boulevard  
Suite 95  
Las Vegas, NV 89102  
(702) 870-8700  
Attorney for Plaintiff

RECEIVED  
OCT 16 11 54 AM '00

BY glw  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

DEBORAH JEAN COX-MOORE, )

Plaintiff,

CV-S-00-1246-PMP----

vs.

FIRST U.S.A. BANK, NATIONAL  
ASSOCIATION,  
a foreign corporation,  
Defendant. )

SIX PERSON JURY DEMANDED

COMPLAINT

JURISDICTION

1. The jurisdiction of this Court attains pursuant to the FCRA, 15 U.S.C. Section 1681(p), and the doctrine of supplemental jurisdiction. Venue lies in the Southern Division of the Judicial District of Nevada as Plaintiff's claims arose from acts of the Defendant perpetrated therein.

PRELIMINARY STATEMENT

2. The Plaintiff brings this action for damages based upon Defendant's violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681 et seq. (hereinafter referred to as "FCRA"), and of state law obligations brought as supplemental claims pursuant to N.R.S. 598C.160.1.

LAW OFFICES

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Las Vegas, Nevada 89102  
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4. Defendant First U.S.A. Bank, National Association (U.S.A.), is a furnisher of information as contemplated by FCRA § 1681s-2(a) & (b), who regularly and in the ordinary course of business furnishes information to one or more consumer reporting agencies about consumer transactions or experiences with any consumer.

5. Plaintiff's creditworthiness has been repeatedly compromised by the acts, obduracy and general indifference of the Defendant.

7. Plaintiff's father, Thomas E. Dome (Dome), was the primary obligor on the Bank One VISA card, Account #4443-065-131-243, he shared with his daughter.

9. Dome and Plaintiff were informed by Bank One that it would not accept any payments on the VISA account until the bankruptcy was finalized by the Court.

• • •

1 11. Bank One echoed its refusal to accept payments during the  
2 pending bankruptcy, informing Plaintiff she would be given the  
3 opportunity to make payments subsequent to discharge.

4 12. Bank One's refusal to accept payments from Plaintiff  
5 ostensibly consistent with a stated rationale to prevent contact  
6 with involved parties in violation of the bankruptcy stay was sheer  
7 nonsense.

8 13. During early 1996, Plaintiff received a demand letter  
9 from Bank One for payment in full. Plaintiff was not given the  
10 option of either minimum or partial payments.

11 14. Plaintiff was unable to pay the entire amount. The  
12 account was assigned to collections and the Defendant reported the  
13 account to the national credit reporting agencies as a "Charge Off"  
14 with an unpaid balance and "R9" rating.

15 15. A "R9" rating bespeaks a "Charge Off" and/or "Bad Debt."

16 16. No derogatory ascription should ever have been reported  
17 by the Defendant. The Plaintiff was willing to make the minimum  
18 payments under the credit card agreement with Bank One but was  
19 prohibited from doing so.

20 17. Plaintiff was not given the option of anything but full  
21 payment once Dome's bankruptcy was finalized.

22 18. On July 8, 1999, Plaintiff wrote Bank One (Exhibit 1)  
23 informing it that the account was still being reported as a charge  
24 off with an unpaid balance despite full payment in August 1998. An  
25 enclosure to Exhibit 1 reflects a "R9" rating.

26 19. During the previous year, on August 24, 1998, the  
27 Defendant's assignee wrote Plaintiff informing her of the debts  
28 fully paid status (Exhibit 2).

1           20. During October 1999, Plaintiff respectively disputed the  
2 Defendant's account with Trans Union Corporation, Experian  
3 Information Solutions, Inc. and Equifax Credit Information  
4 Services, Inc. (Exhibits 3, 4 and 5). The dispute was received by  
5 Equifax on October 18, 1999, (Exhibit 6).

6           21. Both Trans Union and Experian deleted the Defendant's  
7 entry subsequent to the mandatory FCRA § 1681i reinvestigation.  
8 Equifax did not.

9           22. Plaintiff's October 25, 1999, Equifax report (Exhibit 7)  
10 reflects the "R9" rating equating to a "Charge Off" and/or "Bad  
11 Debt." As noted, no derogatory information should ever have been  
12 reported by the Defendant.

13           23. Plaintiff has received numerous credit denials as a  
14 result of the Defendant's reporting. The Defendant's reporting has  
15 also resulted in greatly increased interest rates incurred by  
16 Plaintiff.

17           24. The exhibits reflect that the account ascribed to  
18 Defendant was "reverified" as "correct." There is no evidence that  
19 Defendant took the necessary steps to obtain the pertinent  
20 documents, which would enable it to evaluate Plaintiff's  
21 contentions. Cushman v. Trans Union Corp., 115 F.3d 220, 222 (3rd  
22 Cir. 1997).

23           25. Defendant failed to investigate Plaintiff's dispute in  
24 accordance with FCRA § 1681i. A furnisher of information cannot  
25 simply re-verify. ". . . In a reinvestigation of the accuracy of  
26 credit reports, a [furnisher of information] must bear some  
27 responsibility for evaluating the accuracy of information  
28

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1 obtained . . . ." Stevenson v. TRW, INC., 987 F.2d 288, 293 (5th  
2 Cir. 1993).

3 26. The aforementioned constitutes per se violations of FCRA  
4 § 1681i which requires that Defendant follow reasonable procedures  
5 to assure the maximum possible accuracy of the information  
6 contained in Plaintiff's credit profiles. Guimond v. Trans Union  
7 Information Co., 45 F.3d 1329, 1333-34 (9th Cir. 1995).

8 27. Defendant could have verified the inaccuracy of  
9 Plaintiff's derogatory credit entry simply by producing the  
10 relevant documentation. Defendant's failure to properly verify  
11 relative to this "point of correspondence" constituted a further  
12 violation of FCRA § 1681i. Thompson v. San Antonio Retail  
13 Merchants Ass'n, 682 F.2d 509, 513 (5th Cir. 1982).

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#### 14 STATEMENT OF CLAIM AS AGAINST DEFENDANT

15 28. In the entire course of its action, Defendant willfully  
16 and/or negligently violated the provisions of the FCRA in the  
17 following respects:  
18

- 19 a. By willfully and/or negligently failing to comport  
20 with FCRA § 1681s-2(b).  
21

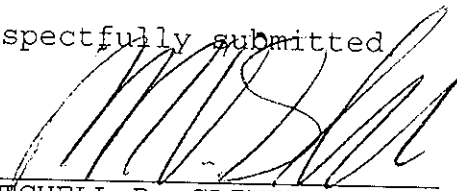
#### 22 PRAYER FOR RELIEF

23 THEREFORE, Plaintiff prays that the court grant the  
24 following relief as against Defendant:

- 25 a) actual damages;  
26 b) punitive damages;  
27 . . .  
28 . . .

- 1 c) attorney's fees; and  
2 d) costs.

3 Respectfully submitted

4   
5  
6 MITCHELL D. GLINER, ESQ.  
7 Nevada Bar #003419  
8 3017 West Charleston Boulevard  
9 Suite 95  
10 Las Vegas, NV 89102  
11 Attorney for Plaintiff  
12

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19  
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**EXHIBITS**

July 8, 1999

Bank One  
Collections Department  
P.O. Box 182158  
Columbus, Oh 43218-2158

Re: Acct. # 443-065-131-243/  
4266839771799162

Name on account: Thomas E. Dome & Deborah Moore

On August 24, 1998, I received a letter (enclosed) showing my debt to Bank One paid in full. This was paid to Commercial Financial Services, Inc. As of this date my credit history still reflects that this was charge off account, unpaid balance reported as a loss by credit grantor. Please update this record to show paid in full. I have enclosed a copy of the credit report for your review.

Sincerely,

A handwritten signature in cursive script, appearing to read "Deborah Moore". The signature is written in dark ink and is positioned above the printed name.

Deborah Moore

EXHIBIT 1



## LENDER'S Credit

An affiliate of **INFO**

## REGIONAL OFFICE:

LENDER S CREDIT  
20929 VENTURA BLVD.  
WOODLAND HILLS, CA 91364  
(818) 226-3700 FAX: (818) 587-9587

## FOR:

INFILE EFX/TRW/TU 15.00

TOTAL 15.00

5715

PAGE 5 OF 8

Report No.	Date Ordered	Requested By	Loan #	Prepared By	Date Completed	Date Revised
06-0292674	03/15/99	NANCY			03/15/99	
Repositories	Infile Date	Property Address				
EFX/TU/TRW	03/15/99					

## APPLICANT

MOORE, MICHAEL R  
530-52-2378 AGE:46

## SPOUSE

Name: MOORE, DEBORAH  
SSN/DOB: 551-95-8456 AGE: 47

## CREDIT HISTORY

W h e n e d	Creditor Name and Account Number	Date and Method of Reporting	Date Opened	Highest Credit or Limit	Present Status		Date of Last Payment	Terms	Historical Status				Credit Rating
					Balance Owing	Past Due Amount			Months Current	30 Days Past Due	60 Days Past Due	90 Days Past Due	
1	WFNNB/LANE BRYANT 202069781333406	EFX-2/TRW-6 02/99*	04/95	260	257	25	04/98	\$15	45	1	0	0	R-2
	LATES PRIOR TO 03/97 REVOLVING CHARGE ACCOUNT												
1	FIRST US BANK [REDACTED]	EFX-2/TRW-6 02/99*	04/95	741	0	0	01/96	\$0	-	-	-	-	R-9
	TRANSFERRED ACCOUNT CREDIT CARD CHARGE OFF AMOUNT UNPAID BALANCE REPORTED AS A LOSS BY CREDIT GRANTOR												

② paid 3/22/99 collected per 8-5 collected 12/95 8030

2 384 726 992

US Postal Service

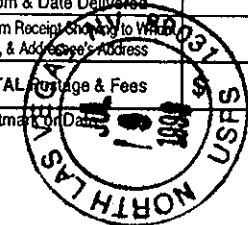
**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
Bank on Collections Dept	
Street & Number	
PO Box 182158	
Post Office, State, & ZIP Code	
Columbus, OH 43218-2158	
Postage	\$ 33
Certified Fee	1.40
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	1.25
TOTAL Postage & Fees	2.98
Postmark (Date)	

PS Form 3800, April 1995



**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

BK-1  
Box 530804  
-ATL, GA 30353-0804

4a. Article Number

2-384-726-992

4b. Service Type

☐ Registered ☒ Certified  
☐ Express Mail ☐ Insured  
☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery

JUL 20 1999

8. Addressee's Address (Only if requested and fee is paid)

5. Received By: (Print Name)

6. Signature: (Addressee or Agent)

X John Smith

PS Form 3811, December 1994

Domestic Return Receipt

Thank you for using Return Receipt

**COMMERCIAL FINANCIAL SERVICES, INC.**

2448 EAST 81ST STREET, SUITE 5500, TULSA, OKLAHOMA 74137 (918) 524-5920 (800) 314-4754

August 24, 1998

Deborah Moore  
4540 Crimson Leaf Drive  
Las Vegas, NV 89130-5139

RE: Deborah Moore  
ORIGINAL INSTITUTION: First USA Bank/Bank One Dallas  
CREDIT CARD NUMBER: 4266839771799162  
CFS REFERENCE NUMBER: 3377625-98A

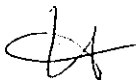
Dear Deborah Moore:

This letter is to acknowledge receipt of full and final settlement for the above-referenced account.

Please keep this for your records as you will receive no further documentation from this office regarding this matter. Should your check be returned for any reason from the bank as unpaid this letter will become null and void.

Please be advised this communication is from a debt collector. If you have any questions, please feel free to call.

Sincerely,



COMMERCIAL FINANCIAL SERVICES, INC.  
Vicki Arnold  
Correspondence Tech

vca

EXHIBIT 2

October 2, 1999

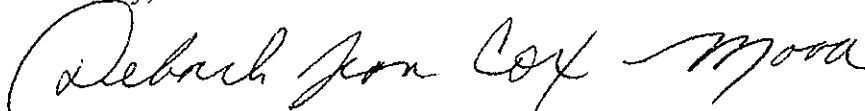
TransUnion Credit  
Credit Bureau of Southern Nevada  
P.O. Box 2060  
Las Vegas, Nevada 89126

Please correct the following information on my credit report.

- 1.) Norwest Finc. The debt was part of a Chapter 13 repayment plan and was paid in 1990. Almost ten years ago. I have enclosed a copy of the Bankruptcy papers showing the Norwest debt. The Bankruptcy was filled in 1990 and paid in full by June of 1993. If I remember correctly Norwest was paid outside of the bankruptcy.
- 2.) First USA BK. Acct. #4443065131243, This is the original account number assigned by Bank One, (see attached copy of statement) the same debt is also being reported under: FUSA NA Acct. #426683977179, for the amount of \$741.00.  
This is the number assigned by the Collection Company. This debt was paid in full, August 7<sup>th</sup> 1998.

I have attached a copy of the letter from Commercial Financial Services, Inc., along with a copy of my bank statement showing the check clearing Clark County Credit Union and a copy of the canceled check.

Sincerely,



Deborah Jean Cox-Moore

D.O.B. 02/03/62

SS# 557-45-8456

4540 N. Crimson Leaf Dr.  
Las Vegas, Nevada 89130

(702) 656-0970

October 2, 1999


Experian Credit  
P.O. Box 2104  
Allen, Texas 75013-2104

Please correct the following information on my credit report.

- 1.) Norwest Finc. The debt was part of a Chapter 13 repayment plan and was paid in 1990. Almost ten years ago. I have enclosed a copy of the Bankruptcy papers showing the Norwest debt. The Bankruptcy was filed in 1990 and paid in full by June of 1993. If I remember correctly Norwest was paid outside of the bankruptcy.
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Sincerely,

  
Deborah Jean Cox-Moore

D.O.B. 02/03/62

SS# 557-45-8456

4540 N. Crimson Leaf Dr.  
Las Vegas, Nevada 89130

(702) 656-0970

October 2, 1999

Equifax Credit Reporting  
P.O. Box 105873  
Atlanta, GA 30348

Please correct the following information on my credit report.

- 1.) Norwest Finc. The debt was part of a Chapter 13 repayment plan and was paid in 1990. Almost ten years ago. I have enclosed a copy of the Bankruptcy papers showing the Norwest debt. The Bankruptcy was filled in 1990 and paid in full by June of 1993. If I remember correctly Norwest was paid outside of the bankruptcy.
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Sincerely,



Deborah Jean Cox-Moore

D.O.B. 02/03/62

SS# 557-45-8456

4540 N. Crimson Leaf Dr.  
Las Vegas, Nevada 89130

(702) 656-0970

Z 160 098 087

US Postal Service

**Receipt for Certified Mail**

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	
Equifax Credit	
Street & Number	
Box 105873	
Post Office, State, & ZIP Code	
Atlanta, GA 30348	
Postage	\$1.55
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.25
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$3.20
Postmark or Date	

PS Form 3800, April 1995

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

Consult postmaster for fee.

## 3. Article Addressed to:

Equifax Credit  
Reporting  
Box 105873  
Atlanta, GA  
30348

## 4a. Article Number

2160098087

## 4b. Service Type

- ☐ Registered ☒ Certified  
☐ Express Mail ☐ Insured  
☐ Return Receipt for Merchandise ☐ COD

## 7. Date of Delivery

OCT 18 1999

## 5. Received By: (Print Name)

## 6. Signature: (Addressee or Agent)

X

## 8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-98-B-0229

Domestic Return Receipt

EXHIBIT 6



Please address all future correspondence to:  
 Equifax Credit Information Services  
 P. O. Box 105518  
 Atlanta, GA 30348  
 1(800) 882-0648

## CREDIT FILE - Confirmation Number: 929513485

When calling for assistance, please have a copy of this file for reference.

### Personal Identification Information

October 25, 1999

Deborah J Moore  
 4540 Crimson Leaf Dr  
 Las Vegas, NV 89130

Social Security #: 557-45-8456  
 Date of Birth: February 3, 1962

#### Previous Address(es):

4574 Armel CT, Las Vegas, NV 89115  
 4025 Cloud Nine Ln, Las Vegas, NV 89115

Formerly Known As: Deborah J Dome; Deborah J Cox

Last Reported Employment: Bus MGR, Fellowship Christian Church

Previous Employment(s): Childrens Lung  
 Insurance Biller, Univ Med Center

### Credit Account Information (For your security, the last 4 digits of your account number(s) have been replaced by \*)

Company Name	Account Number	Whose Acct	Date Opened	Months Reviewed	Date of Last Activity	High Credit	Terms	Items as of Date Reported			Date Reported
								Balance	Past Due	Status	
Associates Financi PAID ACCOUNT/ZERO BALANCE	02275550-103*	J	01/98	3	04/98	\$929	77	\$0		I1	05/98
Capital One Previous Payment History: 1 Time 30 days late Previous Status: 08/99 - R2 CREDIT CARD	529107144347*	A	11/97	15	09/99	\$353	10	\$65		R1	09/99
Citibank/Sizes ACCOUNT TRANSFERRED OR SOLD CREDIT CARD	6218010981*	A	05/98	7	08/98	\$186	10	\$0		R1	01/99
Clark County Credi UNSECURED	5168*	J	09/97	20	06/99	\$1000	30	\$436		I1	06/99
Clark County Credi CREDIT CARD	5168*	J	09/98	8	06/99	\$1103	30	\$981		R1	06/99
Clark County Credi UNSECURED	5168*	J	03/99	2	06/99	\$2000	100	\$1742		I1	06/99
Clark County Credi PAID ACCOUNT/ZERO BALANCE UNSECURED	5168*	J	02/97	15	05/98	\$1308	95	\$0		I1	06/98
Equicredit Corpora REAL ESTATE MORTGAGE	653801001*	J	08/98	11	09/99	\$20000	256	\$19525		I1	09/99
Fashion Bug CHARGE	600466017616*	A	07/98	11	05/99	\$343	15	\$306		R1	07/99
First Consumers Na ACCOUNT CLOSED BY CONSUMER CREDIT CARD	542116910488*	J	09/96	35	01/98	\$350		\$0		R1	08/99
First USA Na ACCOUNT TRANSFERRED OR SOLD CREDIT CARD	426683977179*	I	01/95		01/96	\$741		\$0		R9	10/98

(Continued on reverse)

Page 1 of 3

EXHIBIT 7

929513485-V15-000141133-1123